

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 16-3797(DSD/SER)

Fredrick Dewayne Hines,

Plaintiff,

v.

**ORDER**

Michelle Smith Warden, "MNDOC"  
Oak Park Heights; Tammy Whereley,  
Associate Warden Administration;  
David Reishus, Associate Warden  
Operation; Shar Mike, Program  
Director ACU/CX-5 Units;  
Sherilinda Wheeler, Program  
Director; Unknown Magadanz,  
Lieutenant ACI/CX-5, CX-7 Units;  
and Dan Meyer, Lieutenant  
ACU-CX-5 Units, individually and  
in their official capacities,

Defendants.

This matter is before the court upon the report and recommendation (R&R) of Magistrate Judge Steven E. Rau, dated December 20, 2018. The magistrate judge recommended that the court grant defendants' motion to dismiss and deny plaintiffs's motion for leave to file an amended complaint. No objections to the R&R have been filed within the time period permitted. See D. Minn. LR 72.2(b)(1). Under these circumstances, the court finds it appropriate to adopt the R&R.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 181] is adopted in its entirety;
2. The motion to dismiss [ECF No. 151] is granted;

3. The motion for leave to file an amended complaint [ECF No. 164] is denied; and

4. The action is dismissed with prejudice.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 16, 2019

s/David S. Doty  
David S. Doty, Judge  
United States District Court